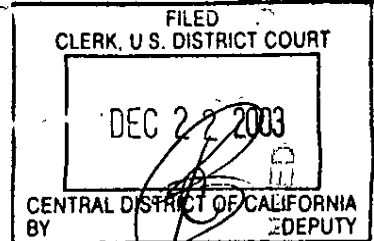


ORIGINAL

Ronald S. Hodges - Bar No. 150586
 James C. Bastian, Jr. - Bar No. 175415
 John Mark Jennings - Bar No. 192641
MARSHACK SHULMAN HODGES & BASTIAN LLP
 26632 Towne Centre, Suite 300
 Foothill Ranch, California 92610-2808
 Telephone: (949) 340-3400
 Facsimile: (949) 340-3000



NOTE CHANGES MADE BY THE COURT

Attorneys for Plaintiff and Counter-Defendant, end70 Corporation, a California corporation and Third Party Defendants Damien Zamora, Ian Welsh and Jeffrey Rushton

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

**END70 CORPORATION, a
 California corporation,**

Plaintiff,

vs.

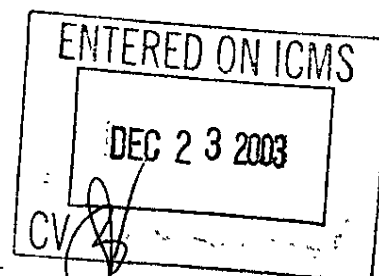
**MERIDIAN ONE
 TECHNOLOGIES, INC., a Nevada
 corporation, SUCCEED
 CORPORATION, a Delaware
 corporation, and OMAR SAYED, an
 individual,**

Defendants.

Case No. CV 03-3042 PA (SHSx)

**STIPULATION OF THE PARTIES
 TO CONTINUE CERTAIN
 DISCOVERY DEADLINES;
 [PROPOSED] ORDER THEREON**

[Declaration of John Mark Jennings in
 support thereof filed concurrently
 herewith.]



90

LODGED

2003 DEC 23 2:03 PM
 17
 16
 15
 14
 13
 12
 11
 10
 9
 8
 7
 6
 5
 4
 3
 2
 1

1 **TO THE HONORABLE PERCY ANDERSON, UNITED STATES**
 2 **DISTRICT COURT JUDGE:**

3 Plaintiff and Cross-Defendant, End70 Corporation, a California
 4 corporation's; Third-Party Defendants Damien Zamora, Ian Welsh, and Jeff
 5 Rushton; Defendant, Cross-Complainant and Third-Party Plaintiff Meridian One
 6 Technologies, Inc., a Nevada Corporation and Succeed Corporation, a Delaware
 7 Corporation; and Defendant Omar Sayed, an individual; and Cross-Defendants
 8 Steven Moore and Direct FX, LLC (collectively, the "**Parties**"), hereby agree and
 9 stipulate as follows:

10 **I.**

11 **RECITALS**

12 1. Paragraph 1 of the Court's Scheduling Order entered September 16,
 13 2003 (the "Scheduling Order"), requires that "the parties shall designate experts to
 14 be called at trial and provide reports required by Fed. R. Civ. P. 26(a)(2)(B), not
 15 later than eight weeks prior to the discovery cutoff date. Rebuttal expert witnesses
 16 shall be designated and reports provided as required by Fed. R. Civ. P. 26(a)(2)(B),
 17 not later than five weeks prior to the discovery cutoff date."

18 2. The Scheduling Order established a discovery cut-off date of February
 19 23, 2004.

20 3. Accordingly, the Parties are required to designate experts and exchange
 21 initial expert reports on December 29, 2004.

22 4. There is a pretrial conference scheduled in this matter for April 2, 2004.

23 5. The trial date in this matter is scheduled for May 4, 2004.

24 6. The issues for which expert testimony is required involve voluminous,
 25 complicated documents much of which is stored electronically necessitating the
 26 removal of data from the Parties respective computer systems. The Parties have
 27 exchanged discovery requests to which each Party will reply by, inter alia,
 28 producing documents. This information must be reviewed by the experts in

1 preparation for their reports. Absent this extension, the respective experts would be
 2 able to provide only qualified opinions. Given the timing of these discovery
 3 responses and the intervening December holidays, additional time would promote
 4 more detailed reports from the respective experts and facilitate the exchange of
 5 information between the Parties and the Court.

6 7. The Court's docket reflects that the Parties have not made any prior
 7 requests for extensions or continuances of any dates in this matter.

8 II.

9 STIPULATION

10 WHEREFORE, the Parties, through their respective counsel of record, in
 11 consideration of the promises, the mutual obligations and undertakings set forth
 12 hereunder, and other good and valuable consideration, the receipt and sufficiency
 13 of which are hereby acknowledged by the Parties, hereby agree and stipulate as
 14 follows:

15 1. The Parties will designate the identity of their respective experts on
 16 December 29, 2003 as scheduled.

17 2. Initial expert reports will be exchanged on January 27, 2004.

18 3. Rebuttal expert reports will be exchanged on February 26, 2004.

19 4. The deadline for responding to all outstanding discovery will be extended
 20 by two weeks from the date of the entry of a protective order by the Court
 21 regarding the content thereof. A proposed protective order will be submitted to the
 22 Court by stipulation of the Parties under separate cover.

23 */// has been entered by this court. A protective order*
 24 */// protective order is attached.*
 25 *///*

26 IT IS SO ORDERED

27 Dated

12/19/03

28 *[Signature]*
 United States District Judge

1 **IT IS SO STIPULATED:**

2
3 **MARSHACK SHULMAN HODGES &**
4 **BASTIAN LLP**

5 Dated: December 17, 2003

By: 

Ronald S. Hodges
John Mark Jennings
Attorneys for Plaintiff and Counter-Defendant,
End70 Corporation, a California corporation
and Third Party Defendants Damien Zamora,
Ian Welsh and Jeffrey Rushton

SCANNED

10
11 **BEUS GILBERT PLLC**

12 Dated: December 15, 2003

By: SEE FACSIMILE
SIGNATURE ATTACHED

Richard R. Thomas
Thomas A. Connelly
Attorneys for Defendant, Cross-Complainant
and Third-Party Plaintiff Meridian One
Technologies, Inc., a Nevada corporation; and
Defendants Succeed Corporation, a Delaware
corporation; and Omar Sayed

18
19 **RUSS, AUGUST & KABAT**

20
21
22 Dated: December 15, 2003

By: SEE FACSIMILE
SIGNATURE ATTACHED

Larry Russ
Judith Meadow
12424 Wilshire Boulevard, Suite 1200
Los Angeles, CA 90049
Attorneys for Third-Party Defendants Steven
Moore and Direct FX, LLC

23
24
25 **IT IS SO ORDERED**

Dated: 

United States District Judge

Received at: 1:24PM, 12/17/2003

DEC-17-03 14:21

FROM: Beus Gilbert PLLC, Attorneys at Law

480 428 9100

T-921 P.002/002 F-001

1 IT IS SO STIPULATED:

2
3 MARSHACK SHULMAN HODGES &
4 BASTIAN LLP

5 Dated: December 17, 2003

By:

Ronald S. Hodges
John Mark Jennings
Attorneys for Plaintiff and Counter-Defendant,
end70 Corporation, a California corporation
and Third Party Defendants Damien Zamora,
Ian Welsh and Jeffrey Rushton

10 BEUS GILBERT PLLC

12 Dated: December 17, 2003

By:

Richard R. Thomas
Thomas A. Connelly
Attorneys for Defendant, Cross-Complainant
and Third-Party Plaintiff Meridian One
Technologies, Inc., a Nevada corporation; and
Defendants Succeed Corporation, a Delaware
corporation; and Omar Sayed

19 RUSS, AUGUST & KABAT

22 Dated: December 15, 2003

By:

Larry Russ
Judith Meadow
12424 Wilshire Boulevard, Suite 1200
Los Angeles, CA 90049
Attorneys for Third-Party Defendants Steven
Moore and Direct FX, LLC

MARSHACK SHULMAN
HODGES & BASTIAN LLP
26832 Towne Centre Drive
Suite 300
Foothill Ranch, CA 92610

2617-001/Exp. 98

M:\WTSRV\Profile\102611\Local Settings\Temporary Internet Files\OLK39156\ip to Continue Discovery Deadline.doc

STIPULATION TO CONTINUE CERTAIN DISCOVERY DEADLINES

Received at: 4:37PM, 12/16/2003

DEC. 16. 2003 4:34PM

RUSS AUGUST&KABAT

NO. 0880 P. 2

SCANNED

1 IT IS SO STIPULATED:

2

3

MARSHACK SHULMAN HODGES &
BASTIAN LLP

4

5

Dated: December 16, 2003

By:

6

Ronald S. Hodges
John Mark Jennings
Attorneys for Plaintiff and Counter-Defendant,
end70 Corporation, a California corporation
and Third Party Defendants Damien Zamora,
Ian Welsh and Jeffrey Rushton

7

8

9

10

BEUS GILBERT PLLC

11

12

Dated: December 15, 2003

By:

13

Richard R. Thomas

14

Thomas A. Connelly

15

Attorneys for Defendant , Cross-Complainant
and Third-Party Plaintiff Meridian One
Technologies, Inc., a Nevada corporation; and
Defendants Succeed Corporation, a Delaware
corporation; and Omar Sayed

16

17

18

19

RUSS, AUGUST & KABAT

20

21

Dated: December 15, 2003

By:

22

Judith L. Meadow
Larry Russ

23

Judith Meadow

24

12424 Wilshire Boulevard, Suite 1200

25

Los Angeles, CA 90049

26

Attorneys for Third-Party Defendants Steven
Moore and Direct FX, LLC

27

28

MARSHACK SHULMAN
HODGES & BASTIAN LLP
6832 Towne Centre Drive
Suite 300
Los Angeles, CA 90049

2517-001/Exp. 08

Judy's HD Documents QuickMail Pro Data-Attachments Slip to Continue D-114053398 Slip to Continue Discovery Dep

STIPULATION TO CONTINUE CERTAIN DISCOVERY DEADLINES

ORDER

IT IS SO ORDERED.

Dated this ____ day of December, 2003

PERCY ANDERSON
UNITED STATES DISTRICT JUDGE

SCANNED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Foothill Ranch, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 26632 Towne Centre Drive, Suite 300, Foothill Ranch, California 92610.

On December 17, 2003, I served the documents named below on the parties in this Action as follows:

DOCUMENT(S) SERVED: **STIPULATION OF THE PARTIES TO CONTINUE CERTAIN DISCOVERY DEADLINES; [PROPOSED] ORDER THEREON**

SERVED UPON: SEE THE ATTACHED SERVICE LIST

☒ (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Foothill Ranch, California. I am readily familiar with the practice of Marshack Shulman Hodges & Bastian LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after deposit for mailing in affidavit.

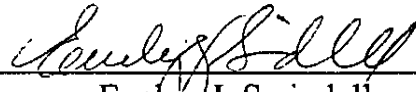
☐ (BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as completed and without error. Pursuant to C.R.C. 2009(i), I either caused, or had someone cause, the transmitting machine to properly transmit the attached documents to the facsimile numbers shown on the service list.

☐ (BY OVERNIGHT DELIVERY) I am readily familiar with the practice of Marshack Shulman Hodges & Bastian LLP for collection and processing of documents for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery or for overnight delivery by Express Mail via the United States Postal Service.

☐ (BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by ASAP Corporate Services, Inc. to receive documents to be delivered on the same date. A proof of service signed by the authorized courier shall be filed upon receipt from ASAP Corporate Services, Inc.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on December 17, 2003, at Foothill Ranch, California.


Evelyn J. Swindell

SERVICE LIST

SCANNED

Richard R. Thomas
Thomas A. Connelly
Monica Griblin
BEUS GILBERT PLLC
4800 N. Scottsdale Rd., Ste. 6000
Scottsdale, AZ 85251
(480) 429-3100 FAX

William C. Bollard
JULANDER, BROWN & BOLLARD
2 Park Plaza, Suite 450
Irvine, CA 92614
(949) 477-6355 FAX

Larry C. Russ, Esq.
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, Suite 1200
Los Angeles, CA 90025
(310) 826-6991